



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

February 8, 2006

Dear Commercial Lobster Trap/Pot and Gillnet Fishermen:

This letter is to inform you that NOAA's National Marine Fisheries Service (NMFS) has established a DAM zone with required gear modifications for lobster trap/pot and anchored gillnet fishing gear. The required gear modifications for lobster trap/pot and anchored gillnet gear will be effective for 15 days, in an area southeast of Portland, Maine, totaling approximately 886 to 1,569 square nautical miles ( $\text{nm}^2$ ) depending on the temporal and spatial overlap with two other DAM zones currently in effect. In addition, NMFS requires that no additional gear be set in the DAM zone during the restricted period unless that gear has been modified accordingly. This action is being taken to respond to reported aggregations of endangered Northern right whales (right whales).

The regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) provide NMFS the authority to temporarily restrict the use of lobster trap/pot and anchored gillnet fishing gear on an expedited basis to protect right whales through its Dynamic Area Management (DAM) program.

A DAM zone is triggered by a single reliable report from a qualified individual of three or more right whales within an area ( $75 \text{ nm}^2$ ) such that right whale density is equal to or greater than 0.04 right whales per  $\text{nm}^2$ . On February 2, 2006, NMFS received a report of 7 right whales in the proximity of  $42^\circ 59' \text{N}$  latitude and  $69^\circ 26' \text{W}$  longitude. This position lies southeast of Portland, ME. NMFS determined that these sightings were reliable reports submitted by qualified individuals that meet the DAM zone trigger.

Therefore, NMFS is announcing required gear modifications for the DAM zone. **Effective 0001 hours February 15, 2006, through 2400 hours March 1, 2006**, anchored gillnet and lobster trap/pot gear in the DAM zone must comply with the required gear modifications. The required gear modifications and the coordinates for the DAM zone are found in the enclosure to this letter. **Special note for gillnet fisherman: a portion of this DAM zone overlaps the year-round Cashes Ledge Closure Area found at 50 CFR 648.81(d) and the February Cashes Ledge Closure Area for harbor porpoise found at 50 CFR 229.33(a)(6). Due to these closures, sink gillnet gear is prohibited from these portions of the DAM zone during these time periods.**

To obtain the DAM regulations in their entirety, please call 978-281-9300 x6503. In addition, these regulations are available by accessing the ALWTRP web page (<http://www.nero.nmfs.gov/whaletrp/>). If you have any questions regarding these regulations, please call 978-281-9300 x6503.

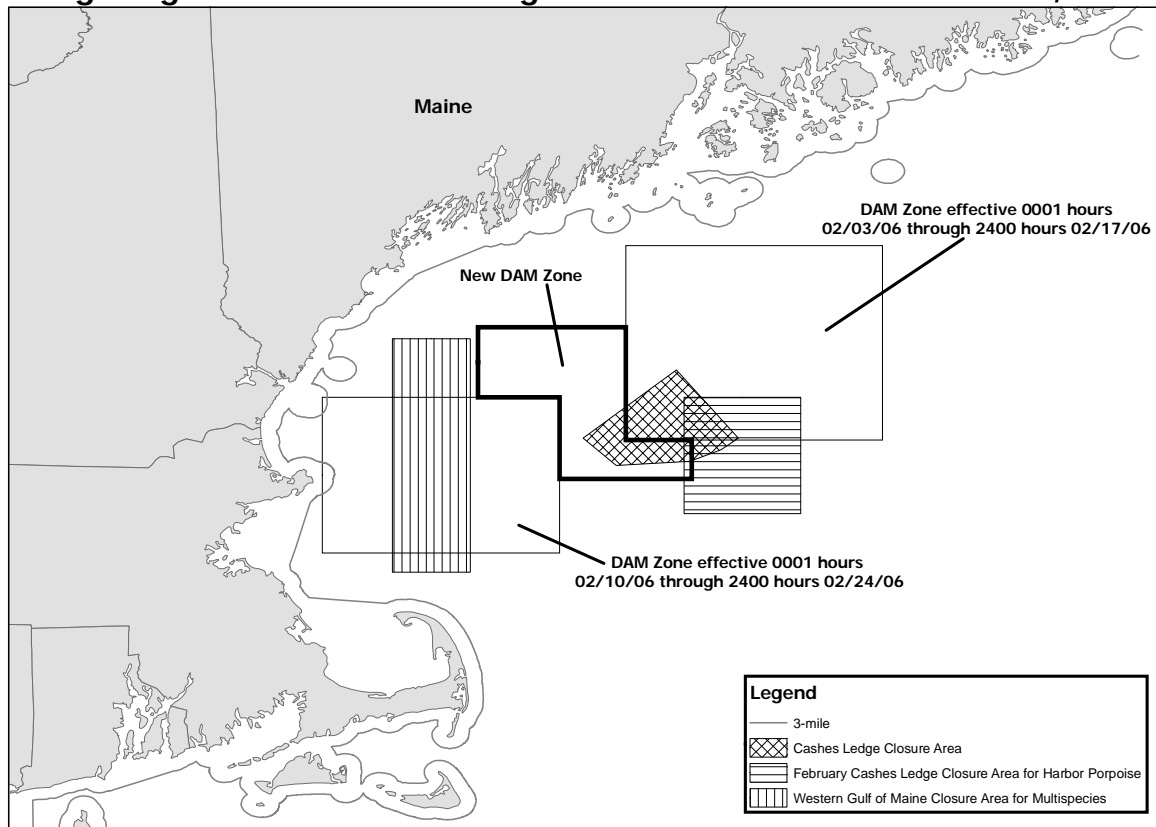
Sincerely,

Patricia A. Kurkul  
Regional Administrator

Enclosure



**DAM Zone from February 2, 2006  
sighting of 7 North Atlantic right whales southeast of Portland, ME**

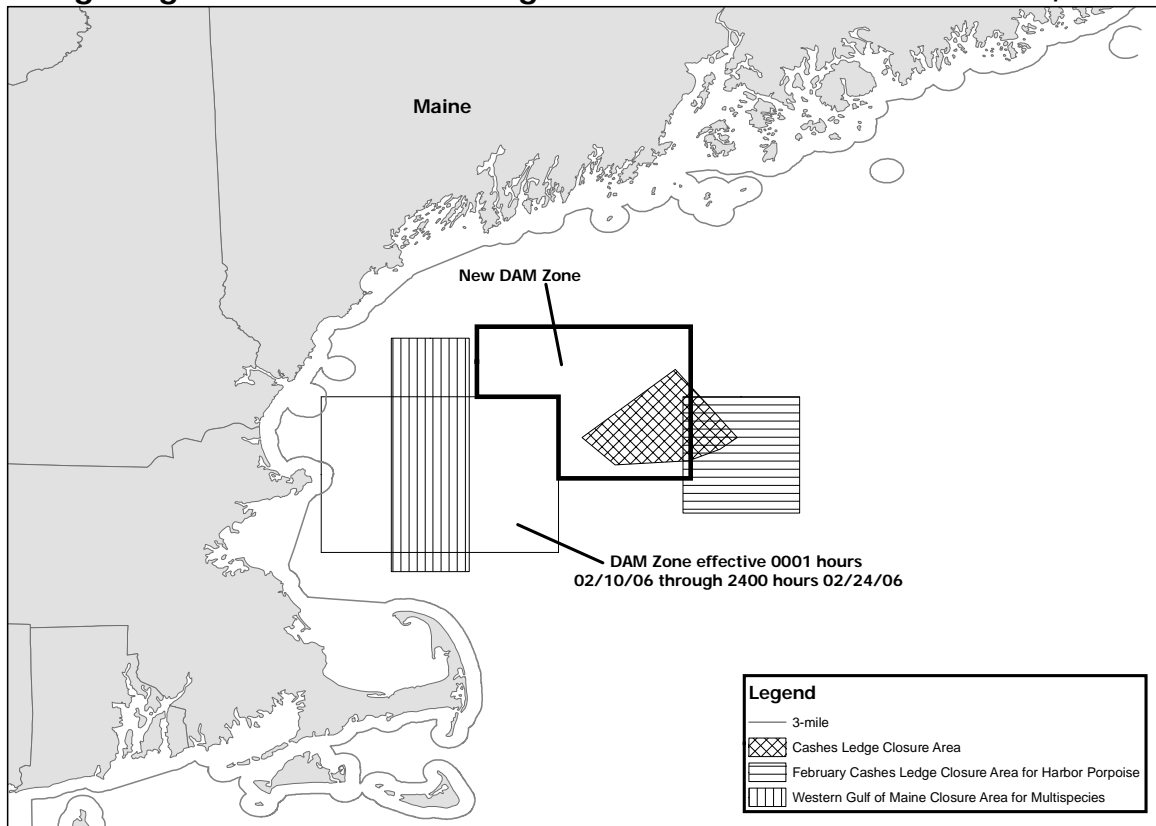


This new DAM zone is effective from 0001 hours February 15, 2006, through 2400 hours March 1, 2006. The new DAM zone overlaps with two other DAM zones: one in effect from 0001 hours February 3, 2006, through 2400 hours February 17, 2006, and the other DAM zone is in effect from 0001 hours February 10, 2006, through 2400 hours February 24, 2006. Thus, taking into account these other DAM zones, the coordinates for the new DAM zone are as follows:

Coordinates for the new DAM zone effective from 0001 hours February 15, 2006, through 2400 hours February 17, 2006:

43° 18' N, 69° 53' W (NW Corner)  
 43° 18' N, 69° 15' W  
 42° 49' N, 69° 15' W  
 42° 49' N, 68° 58' W  
 42° 39' N, 68° 58' W  
 42° 39' N, 69° 32' W  
 43° 00' N, 69° 32' W  
 43° 00' N, 69° 53' W  
 43° 18' N, 69° 53' W (NW Corner)

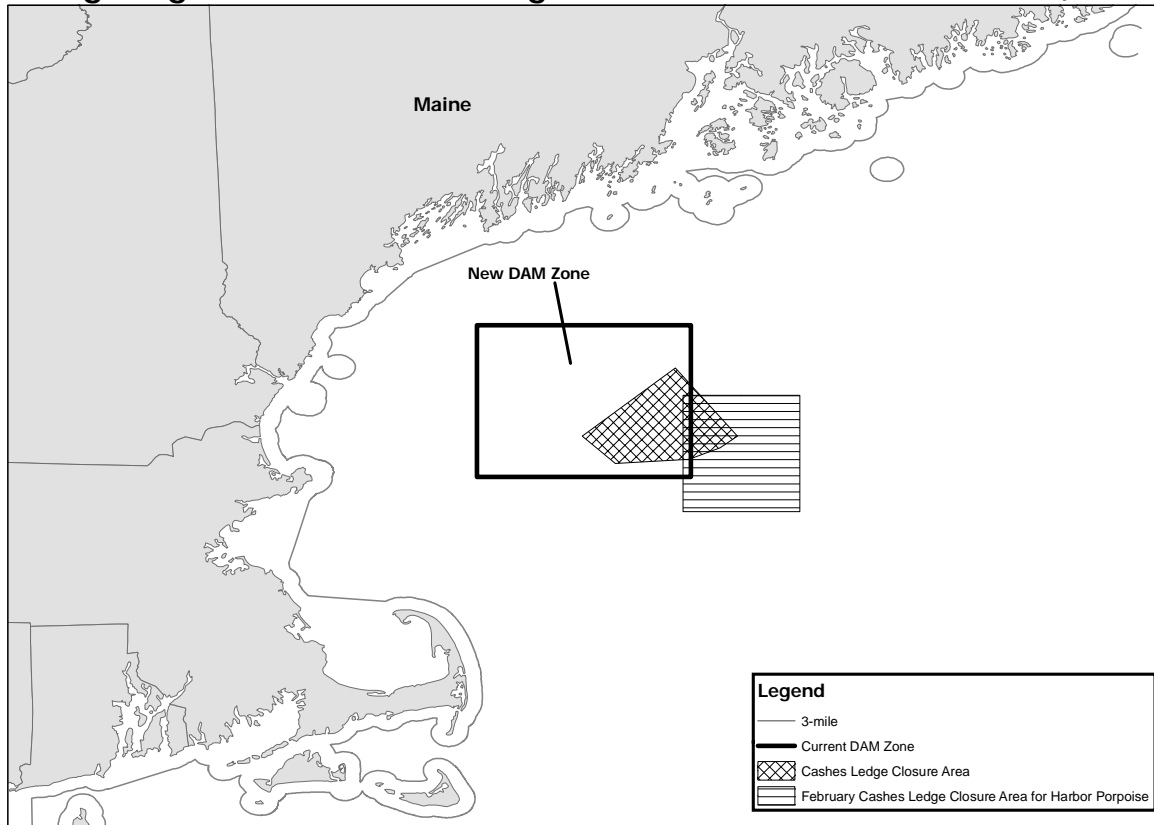
**DAM Zone from February 2, 2006  
sighting of 7 North Atlantic right whales southeast of Portland, ME**



Coordinates for the new DAM zone effective from 0001 hours February 18, 2006, through 2400 hours February 24, 2006:

43° 18' N, 69° 53' W (NW Corner)  
 43° 18' N, 68° 58' W  
 42° 39' N, 68° 58' W  
 42° 39' N, 69° 32' W  
 43° 00' N, 69° 32' W  
 43° 00' N, 69° 53' W  
 43° 18' N, 69° 53' W (NW Corner)

**DAM Zone from February 2, 2006  
sighting of 7 North Atlantic right whales southeast of Portland, ME**



Coordinates for the new DAM zone effective from 0001 hours February 25, 2006, through 2400 hours March 1, 2006:

43° 18' N, 69° 53' W (NW Corner)  
43° 18' N, 68° 58' W  
42° 39' N, 68° 58' W  
42° 39' N, 69° 53' W  
43° 18' N, 69° 53' W (NW Corner)

## **DAM Program Gear Requirements**

In addition to those gear modifications currently implemented under the ALWTRP at 50 CFR 229.32, the following gear modifications are required in the DAM zone. If the requirements and exceptions for gear modification in the DAM zone, as described below, differ from other ALWTRP requirements for any overlapping areas and times, then the more restrictive requirements will apply in the DAM zone. Please note that the below provides a summary of the DAM Program gear requirements and is not a substitute for the ALWTRP regulations.

### Lobster Trap/Pot Gear

Fishermen utilizing lobster trap/pot gear within the portion of the Northern Nearshore Lobster Waters Area that overlap with the DAM zone are required to utilize all of the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of either sinking or neutrally buoyant line. Floating groundlines are prohibited;
2. All buoy lines must be made of either sinking or neutrally buoyant line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per trawl; and
4. A weak link with a maximum breaking strength of 600 lb (272.4 kg) must be placed at all buoys.

Fishermen utilizing lobster trap/pot gear within the portion of the Offshore Lobster Waters Area that overlap with the DAM zone are required to utilize all of the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of either sinking or neutrally buoyant line. Floating groundlines are prohibited;
2. All buoy lines must be made of either sinking or neutrally buoyant line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per trawl; and
4. A weak link with a maximum breaking strength of 1,500 lb (680.4 kg) must be placed at all buoys.

### Anchored Gillnet Gear

Fishermen utilizing anchored gillnet gear within the portions of the Other Northeast Gillnet Waters Area that overlap with the DAM zone are required to utilize all the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of either sinking or neutrally buoyant line. Floating groundlines are prohibited;
2. All buoy lines must be made of either sinking or neutrally buoyant line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per string;
4. Each net panel must have a total of five weak links with a maximum breaking strength of 1,100 lb (498.8 kg). Net panels are typically 50 fathoms (91.4 m) in length, but the weak link requirements would apply to all variations in panel size. These weak links must include three floatline weak links. The placement of the weak links on the floatline must be: one at the center of the net panel and one each as close as possible to each of the bridle ends of the net panel. The remaining two weak links must be placed in the center of each of the up and down lines at the panel ends;
5. A weak link with a maximum breaking strength of 1,100 lb (498.8 kg) must be placed at all buoys; and
6. All anchored gillnets, regardless of the number of net panels, must be securely anchored with the holding power of at least a 22 lb (10.0 kg) Danforth-style anchor at each end of the net string.